

Page 6 of 8
Application No. 09/785,205
Amendment A

REMARKS

The claims have been amended without adding new matter in order to correct minor informalities and to address other issues raised by the Examiner. Claim 22 has been amended. Twenty-two (22) claims remain pending in the application: claims 1-22. Applicant respectfully requests reconsideration of claims 1-22 in view of the amendment above and submitted declaration and remarks below.

By way of this Response, Applicant has made a diligent effort to place and/or demonstrate that the claims are in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Specification

The Examiner has objected to the specification in the "Office Action Summary," but failed to comment on the objection in the "Detailed Action." Seeking further clarification, Martin Bader left a telephone message with the Examiner. The Examiner left a return telephone message stating that the specification was objected to because of the rejection of the claims. Thus, applicant respectfully submits that all rejections are adequately addressed below and thus the objection is overcome.

Objections to the Claims

The Examiner objected to claims 21-22 suggesting the claims appear to recite limitations that are not applicable to the design of the system but rather go to "operational support." Applicant acknowledges with appreciation the Examiner's indication that claims 21-22 would be allowable if rewritten to overcome a future objection under 35 U.S.C. § 112. Applicant respectfully submits, however, that claims 21-22 pertain to a method of doing business and are not system claims. Accordingly,

Page 7 of 8
Application No. 09/785,205
Amendment A

the method of claim 21 provides for retrieved viewers to be transported to the next event locale, which can provide, for example, additional revenue at reduced costs and is not just "operational support". Similarly, the same rationale can be applied to claim 22. Therefore, the Applicant respectfully submits that claims 21-22 meet all formal requirements and requests that the objection be withdrawn.

Claim Rejections - 35 U.S.C. §102

Claims 1-22 stand rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Published Application No. US 2002/0063799 (Ortiz et al.). Applicant conceived of the subject matter of at least claims 1-22 prior to the effective date of the Ortiz et al. reference, and thus Ortiz et al. does not anticipate claims 1-22.

Applicant submits herewith a declaration from Robert L. Hardacker (hereinafter referred to as the "Hardacker declaration") to antedate the effective date of October 26, 2000 of the Ortiz et al. reference, in accordance with 37 C.F.R. § 1.131(a). The Hardacker declaration is accompanied by Exhibit A forming part thereof that evidences both conception of the invention prior to the effective date of October 26, 2000 of the Ortiz et al. reference and due diligence from at least as early as October 26, 2000 to the filing of the above-captioned application on February 20, 2001.

Exhibit A of the Hardacker declaration is a photocopy of the Invention Disclosure Form establishing conception of the invention prior to the effective date of October 26, 2000 of the Ortiz et al. reference. Per MPEP 715.07, dates have been blocked out of Exhibit A; however, all dates blocked out are prior to October 26, 2000. Upon completion of the Invention Disclosure, the Intellectual Property Department of Sony Electronics Inc. evaluated the Invention Disclosure and forwarded the disclosure to outside counsel. Outside counsel prepare the subject patent application and the application was filed on February 20, 2001, evidencing both conception of the invention

Page 8 of 8
Application No. 09/785,205
Amendment A

prior to the effective date of the Ortiz et al. reference and due diligence from at least as early as October 26, 2000 to the filing of the above-captioned application.

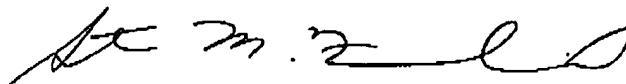
Therefore, given the Hardacker declaration and Exhibit A, the subject matter of claims 1-22 was conceived prior to October 26, 2000 and thus antedates Ortiz et al. Therefore, claims 1-22 are not anticipated by Ortiz et al and Applicant respectfully requests the rejection be withdrawn.

CONCLUSION

Applicant submits that the above amendment and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: June 30, 2004



Steven M. Freeland
Reg. No. 42,555
Attorney for Applicant(s)
(858) 552-1311

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
Thomas F. Lebens
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603

68546ama